IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 15632 of 2005

Between:

Yelamandala Siva Nagamani, being a minor rep by her mother and guardian Y.Rajeswari, W/o Late Ramamohana Rao, R/o Door No. 5-135-1, Prasadampadu, Vijayawada.

..... PETITIONER

AND

1 The Deputy Registrar of Co-opeative Societies, Vijayawada.
2 The Gandhi Co-operative Urban Bank Ltd., represented by its Secretary, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or Writ more particularly one in the nature of Writ of mandamus declaring the action of the 1st respondent in issuing auction notice dated 26-6-2005 to be conduct auction of the petitioner property House bearign No. 5-135-1 an extent of 535 sq. yards situated at Prasadampadu, Vijayawada Rural Mandalam, Krishna District, on 25-7-2005 as illegal and arbitrary and consequentially direct the respondents not to conduct auction pending disposal of the suit O.S.No. 443/2002 on the file of the III Senior Civil Judge's Court, Vijayawada.

Counsel for the Petitioner: MR.M.L.ALI

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for Respondent No.2: None appeared.

The Court at the stage of admission made the following:

ORAL ORDER:

The petitioner challenges the action of the 1st respondent in issuing auction notice dated 26.6.2005 to conduct auction of the petitioner's property of an extent of 535 square yards situated Prasadampadu, Vijayawada on 25.7.2005, with a direction not to conduct auction pending disposal of the suit in OS.No.443 of 2002 on the file of the III Senior Civil Judge, Vijayawada.

2. The petitioner having elected to file a suit, has to agitate all her grievances in the said suit and cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India seeking the relief sought for in the present Writ Petition. The Writ Petition as filed is misconceived and as such it is liable to be dismissed.

3. Accordingly the Writ Petition is dismissed. No costs.

21.7.2005

SSR

To

1 The Deputy Registrar of Co-opeative Societies, Vijayawada.
2 The Secretary, Gandhi Co-operative Urban Bank Limited, Vijayawada.

3 2 CCs to G.P. for Cooperation, High Court of A.P. Hyderabad. (OUT)

4 2 CD copies

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